



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
October 05, 2023

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN

Chapter 11

**ORDER APPROVING STIPULATION
REGARDING VARIOUS HEARINGS AND
DISCOVERY ISSUES**

Hearing Date: October 19, 2023

Hearing Time: 10:30 a.m.

New Hearing Date:

New Hearing Time:

The Court having reviewed and considered the *Stipulation Regarding Various Hearings and Discovery Issues* (the "Stipulation") between, Chris McAlary ("McAlary"), by and through

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1 his counsel, the law firm of Carlyon Cica, Chtd., and Cash Cloud, Inc. (“Debtor” and, together
2 with McAlary, the “Parties”) by and through its undersigned counsel, the law firm of Fox
3 Rothschild LLP, and for good cause appearing:

4 **IT IS HEREBY ORDERED** that the Stipulation¹ [ECF No. 1333] attached hereto as
5 Exhibit 1 is approved in its entirety.

6 **IT IS FURTHER ORDERED** that the hearing on October 19, 2023 with respect to
7 Debtor’s Objection to Claim [ECF No. 1256] be reset to November 1, 2023 at 9:30 a.m.

8 **IT IS FURTHER ORDERED** that the 2004 Examinations and the Subpoenas [ECF
9 No’s 1110 and 1134] are hereby vacated. Any new subpoenas issued shall be for a date mutually
10 agreeable to McAlary and Debtor, which will be before the hearing on the 9019 Motion [ECF
11 No 1295] scheduled for November 1, 2023 at 9:30 a.m.

12 **IT IS FURTHER ORDERED** that the hearing set forth on October 19, 2023 on the
13 Motion to Quash [ECF No 1178] is vacated.

14 **IT IS SO ORDERED.**

15 **CARLYON CICA CHTD.**

FOX ROTHSCHILD LLP

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17 By: /s/ Dawn M. Cica, Esq.
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21 *Counsel for Christopher McAlary*

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Counsel for Debtor

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27 ¹ Terms capitalized herein but not defined have the definitions set forth in the Stipulation.
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EXHIBIT “1”

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In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN

Chapter 11

**STIPULATION REGARDING
VARIOUS HEARINGS AND
DISCOVERY ISSUES**

Chris McAlary ("McAlary"), by and through his counsel, the law firm of Carlyon Cica, Chtd., and Cash Cloud, Inc. ("Debtor" and, together with McAlary, the "Parties") by and through its undersigned counsel, the law firm of Fox Rothschild LLP, hereby stipulate and agree as follows (the "Stipulation"):

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RECITALS

A. WHEREAS, on August 25, 2023, this Court issued an order [ECF No.1125] granting McAlary's Ex Parte Motion for Order Directing Examination Pursuant to Fed. R. Bankr. P. 2004 of Cash Cloud, Inc. (the "2004 Examination") [ECF No. 1110];

B. WHEREAS, on August 28, 2023, McAlary filed his notice of the issuance of a subpoena for document production and 2004 examination on Cash Cloud, Inc., for examination on September 12, 2023 (the "Subpoena") [ECF 1134]; and a Summons was issued on McAlary [ECF No.3].

C. WHEREAS, on September 8, 2023, Debtor filed his Motion to Quash the Subpoena [ECF No. 1178] and a notice of hearing on that motion for October 19, 2023 [ECF No. 1180] ("Motion to Quash").

D. WHEREAS, on September 19, 2023, Debtor filed its Objection to Administrative Expense Claim 894 of McAlary (the "Objection To Claim") [ECF No. 1256] and a notice of hearing on that objection for October 19, 2023 [ECF No. 1257]; and

E. WHEREAS, on September 1, 2023, the Committee brought an adversary action against McAlary, adversary case no. 23-01125-MKN (the "Adversary Proceeding") [ECF No. 1]; and

F. WHEREAS, on September 22, 2023, Debtor filed (with Cole Kepro International LLC) a Joint Motion to Approve Settlement Agreement with Cole Kepro International, LLC Pursuant to Federal Rule of Bankruptcy Procedure 9019 (the "9019 Motion") [ECF No. 1295].

NOW, THEREFORE, the Parties hereby stipulate and agree to the following:

Debtor's Objection to McAlary's Administrative Expense Claim

The parties agree to continue the hearing on October 19, 2023 [ECF No. 1257] with respect to Debtor's Objection to Claim and reset the hearing for November 1, 2023, or such other time thereafter as the Court is available. The deadline to file a response to the Objection to Claim shall be extended to 14 days before the hearing on the Objection to Claim, and the deadline to file a reply shall be 7 days before such hearing.

1 **McAlary's 2004 Examination of Debtor's Representative and Subpoena and Debtor's**
 2 **Motion to Quash**

3 The parties have agreed that the existing 2004 Examination and the Subpoena are hereby
 4 vacated and the parties will re-issue subpoena/subpoenas for dates mutually agreeable to
 5 McAlary and the Debtor, which will be before any hearing on the 9019 Motion. The parties agree
 6 that hearing on the Motion to Quash is hereby vacated and the Motion to Quash is withdrawn.

7 **IT IS SO STIPULATED AND AGREED.**

8 **CARLYON CICA CHTD.**

FOX ROTHSCHILD LLP

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 10 By: /s/ Dawn M. Cica, Esq.
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CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Cristina Robertson
An employee of Carlyon Cica Chtd.

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